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EX-GREEN BERET GETS 2-YEAR TERM

Tafoya, Sentenced in Shooting
of Libyan in Colorado, Says
He'll Appeal Conviction

Special to The New York Times

FORT COLLINS, Colo. Jan. 5 — A former Green Beret convicted last month of two misdemeanor assault charges in the 1980 shooting of a Libyan student here was sentenced by a Federal district judge today to serve two years in the Larimer County jail.

Judge J. Robert Miller imposed the maximum sentence for each of the two counts on which Eugene A. Tafoya, 48 years old, was convicted, and ordered that the terms be served concurrently.

Mr. Tafoya was sentenced to two years in jail for third-degree assault and six months for conspiracy to commit third-degree assault. After subtracting time served while he awaited trial last year, Mr. Tafoya faces about 16½ months in jail.

After sentencing, Mr. Tafoya, who had been free on a \$5,000 cash bond since his conviction Dec. 4 for the shooting of Faisal Zagallai, was taken into custody and returned to jail.

Plans to Appeal Conviction

Judge Miller later set an appeal bond of \$10,000, and Mr. Tafoya will be released when he posts it. Walter P. Gerash, who represented Mr. Tafoya in the trial, said he would file an appeal.

Mr. Tafoya was impassive when the sentence was handed down and made no comments afterward. Earlier, when asked by the judge he had anything to say, Mr. Tafoya said, "I'd just like to go home and get my life back together." Mr. Tafoya is a resident of Truth or Consequences, N.M.

In the three-week trial, Mr. Tafoya was depicted by prosecutors as a hired killer who had bungled an assassination attempt on Mr. Zagallai, a student at Colorado State University here. The Libyan was described as a persistent critic of Col. Muammar el-Qaddafi, the Libyan leader.

Mr. Zagallai, who was shot twice in the head by Mr. Tafoya, survived the attack, but lost the vision in his right eye.

In the trial, prosecutors said they believed Mr. Tafoya had been hired by Edwin P. Wilson on behalf of the Libyan Government. Mr. Wilson is a former Central Intelligence Agency employee and a fugitive from a Federal grand jury indictment charging him with illegally shipping explosives to the militant Arab nation in North Africa.

Mr. Tafoya, testifying on his own behalf, said he believed he was working for the intelligence agency when he visited Mr. Zagallai's apartment in April 1980.

A jury acquitted Mr. Tafoya of attempted first-degree murder.

Mr. Tafoya was also ordered to repay Larimer County for unspecified costs incurred as a result of his prosecution.